

AMENDED IN SENATE APRIL 18, 2006

SENATE BILL

No. 1454

Introduced by Senator Torlakson

February 23, 2006

An act to repeal Sections 32050 and 32051 of the Education Code, and to add Section 245.6 to the Penal Code, relating to hazing.

LEGISLATIVE COUNSEL'S DIGEST

SB 1454, as amended, Torlakson. Crimes: hazing.

Existing law codifies within the Education Code the definition of hazing and proscribes criminal penalties for people who haze.

This bill would repeal the Education Code hazing provisions and instead codify within the Penal Code *the a new* definition of hazing and ~~proscribe~~ *prescribe* misdemeanor *and felony* penalties ~~for people or organizations who haze and felony penalties for hazing which results in death, great bodily injury, or great psychological injury, as specified.~~ This bill would also ~~prohibit prosecution for hazing against the person who was hazed and allows him or her~~ *create a civil action allowing the perpetrator* to bring a civil action against the perpetrator(s) of the hazing.

Because this bill would ~~expand~~ *change* the definition of a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 32050 of the Education Code is
2 repealed.
3 SEC. 2. Section 32051 of the Education Code is repealed.
4 ~~SEC. 3. Section 245.6 is added to the Penal Code, to read:~~
5 ~~245.6. (a) This section shall be known and may be cited as~~
6 ~~“Matt’s Law” in memory of Matthew William Carrington, who~~
7 ~~died on February 2, 2005 as a result of hazing.~~
8 ~~(b) As used in this section “hazing” or “haze” is conduct~~
9 ~~which causes, or is likely to cause, bodily danger, physical harm,~~
10 ~~or personal degradation or disgrace resulting in physical or~~
11 ~~mental harm to another person in the course of the other person’s~~
12 ~~preinitiation into, initiation into, affiliation with, holding office~~
13 ~~in, or maintaining membership in any organization. The terms~~
14 ~~“hazing” or “haze” do not include customary athletic, fire~~
15 ~~department, police department, military, or quasi-military~~
16 ~~training, conditioning, or similar events or activities.~~
17 ~~(c) Any person who hazes or conspires to participate in hazing~~
18 ~~is guilty of a misdemeanor punishable by a fine of not less than~~
19 ~~one hundred dollars (\$100), nor more than five thousand dollars~~
20 ~~(\$5,000), or imprisonment in the county jail not to exceed one~~
21 ~~year, or by both fine and imprisonment.~~
22 ~~(d) Any person who hazes or conspires to participate in hazing~~
23 ~~which results in death, great bodily injury, or great psychological~~
24 ~~injury is guilty of a felony punishable by imprisonment in the~~
25 ~~state prison.~~
26 ~~(e) An organization is guilty of violating subdivisions (b) or~~
27 ~~(c) if the organization’s agents, directors, trustees, managers, or~~
28 ~~officers authorized, requested, commanded, encouraged,~~
29 ~~participated in, ratified, or tolerated the hazing.~~
30 ~~(f) The implied or expressed consent of the person or persons~~
31 ~~against whom the hazing was directed shall not be a defense to~~
32 ~~any action brought under this section.~~
33 ~~(g) This section does not apply to the person against whom the~~
34 ~~hazing was directed.~~

1 ~~(h) This section shall not, in any manner, limit or exclude~~
2 ~~prosecution or punishment for any other crime or any civil~~
3 ~~remedy.~~

4 ~~(i) The person against whom the hazing is directed may~~
5 ~~commence a civil action for injury or damages, including mental~~
6 ~~and physical pain and suffering that results from the hazing. The~~
7 ~~action may be brought against any participants in the hazing, or~~
8 ~~any organization whose agents, directors, trustees, managers, or~~
9 ~~officers authorized, requested, commanded, encouraged,~~
10 ~~participated in, ratified, or tolerated the hazing. If the~~
11 ~~organization is a corporation, whether for profit or not, the~~
12 ~~individual directors of the corporation may be held individually~~
13 ~~liable for damages.~~

14 *SEC. 3. Section 245.6 is added to the Penal Code, to read:*

15 *245.6. (a) It shall be unlawful to engage in hazing, as defined*
16 *in this section.*

17 *(b) "Hazing" means any method of initiation or preinitiation*
18 *into a student organization or student body, whether or not the*
19 *organization or body is officially recognized by an educational*
20 *institution, which causes, or is likely to cause, serious bodily*
21 *injury to any pupil or other person attending any school,*
22 *community college, college, university, or other educational*
23 *institution in this state. The term "hazing" does not include*
24 *customary athletic events or school-sanctioned events.*

25 *(c) A violation of this section that does not result in serious*
26 *bodily injury is a misdemeanor, punishable by a fine of not less*
27 *than one hundred dollars (\$100), nor more than five thousand*
28 *dollars (\$5,000), or imprisonment in the county jail for not more*
29 *than one year, or both.*

30 *(d) Any person who personally engages in hazing that results*
31 *in death or serious bodily injury as defined in paragraph (4) of*
32 *subdivision (f) of Section 243 of the Penal Code, is guilty of*
33 *either a misdemeanor or a felony, and shall be punished by*
34 *imprisonment in county jail not exceeding one year, or by*
35 *imprisonment in the state prison.*

36 *(e) The person against whom the hazing is directed may*
37 *commence a civil action for injury or damages, including mental*
38 *and physical pain and suffering that results from the hazing. The*
39 *action may be brought against any participants in the hazing, or*
40 *any organization whose agents, directors, trustees, managers, or*

1 *officers authorized, requested, commanded, encouraged,*
2 *participated in, ratified, or tolerated the hazing. If the*
3 *organization is a corporation, whether for profit or not, the*
4 *individual directors of the corporation may be held individually*
5 *liable for damages.*

6 *(f) Prosecution under this section shall not prohibit*
7 *prosecution under any other provision of law.*

8 *SEC. 4. This act shall be known and may be cited as “Matt’s*
9 *Law” in memory of Matthew William Carrington, who died on*
10 *February 20, 2005 as a result of hazing.*

11
12 Matt's Law
13

14 ~~SEC. 4.~~

15 *SEC. 5. No reimbursement is required by this act pursuant to*
16 *Section 6 of Article XIII B of the California Constitution because*
17 *the only costs that may be incurred by a local agency or school*
18 *district will be incurred because this act creates a new crime or*
19 *infraction, eliminates a crime or infraction, or changes the*
20 *penalty for a crime or infraction, within the meaning of Section*
21 *17556 of the Government Code, or changes the definition of a*
22 *crime within the meaning of Section 6 of Article XIII B of the*
23 *California Constitution.*